



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,793	07/13/2001	Kiyoshi Ota	450100-03343	1790
20999	7590	06/16/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			JONES, HEATHER RAE	
			ART UNIT	PAPER NUMBER
			2621	
DATE MAILED: 06/16/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,793

Applicant(s)

OTA ET AL.

Examiner

Heather R. Jones

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/13/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference character "50".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakuramoto et al. (U.S. Patent 6,832,040).

Regarding claim 1, Sakuramoto et al. discloses a data recording apparatus comprising: data recording means for recording data on a recording medium; management information recording means for recording management information of the data onto the recording medium or a non-volatile memory; and a system controller for managing the management information and for controlling the data recording means and the management information recording means; wherein the system controller periodically records the management information onto the recording medium or the non-volatile memory (col. 2, lines 44-60; col. 23, line 37 – col. 24, line 2; col. 25, lines 19-26).

Regarding claim 2, this is a method claim corresponding to the apparatus claim 1. Therefore, claim 2 is analyzed and rejected as previously discussed with respect to claim 1.

5. Claims 3-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamashita (U.S. Patent 6,675,180).

Regarding claim 3, Yamashita discloses a data recording/reproducing apparatus for recording or reproducing content data onto a disc-like recording

medium, comprising: management means for generating management information to be recorded onto the disc-like recording medium; and control means (101) for performing recording/reproducing control on the disc-like recording medium; wherein first and second management areas (121 and 122) for storing management information and a procedure storage area for storing recording procedure of recording management information into each of the management areas, and the control means records same management information into the first and second management areas, and records information indicating that writing management information onto the first management area is started and information indicating that writing of management information onto the second area is started, into the procedure storage area (Fig. 6; col. 14, lines 25-49).

Regarding claim 4, Yamashita discloses all the limitations as previously discussed with respect to claim 3 including that the control means reproduces management information from either the first or second management area, based on the recording procedure information stored in the procedure storage area (Fig. 7; col. 13, lines 11-42).

Regarding claim 5, Yamashita discloses all the limitations as previously discussed with respect to claim 3 including that the control means records information indicating that writing of management information onto the first management area is started onto the procedure storage area, records the management information onto the first management area, records information

indicating that writing of management information onto the second storage area is started onto the procedure storage area, records same management information as the management information recorded onto the first management information, onto the second management area, and deletes information recorded on the procedure storage area when recording onto the second management area ends (Fig. 6; col. 12, line 20 – col. 13, line 6).

Regarding claim 6, Yamashita discloses all the limitations as previously discussed with respect to claims 3 and 5 including that the control means reproduces management information from the second management area if the information indicating that the writing of management information onto the first management area is started is recorded in the procedure storage area, and the control means reproduces management information from the first management area if the information indicating that the writing of management information onto the second management area is started is recorded in the procedure storage area (Fig. 6; col. 14, lines 25-49).

Regarding claim 7, Yamashita discloses all the limitations as previously discussed with respect to claim 3 including that the management information is management information of the file system of the disc-like recording medium (Fig. 4).

Regarding claim 8, Yamashita discloses all the limitations as previously discussed with respect to claim 3 including that the management information is

content data management information for managing content data recorded on the disc-like recording medium (Fig. 4).

Regarding claim 9, Yamashita discloses a data recording/reproducing apparatus for recording or reproducing content data onto or from a disc-like recording medium, comprising: a file system for generating management information of a file system of the disc-like recording medium (Figs. 3 and 4); file management means for generating file management information of content data to be recorded onto the disc-like recording medium; and control means (101) for control of recording/reproducing with respect to the disc-like recording medium; wherein first and second file system management areas (121 and 122) for storing management information of the file system, first and second content data management areas for storing management information of content data, a first procedure storage area for storing recording procedure information of recording onto each of the file system management areas, and a second procedure storage area for storing recording procedure information onto the content data management areas are provided in the disc-like recording medium, and the control means records same file system management information onto the first and second file system management areas, records same content data management information onto the first and second content data management areas, records information indicating that writing of the file system management information onto the first file system management area is started as well as information indicating that writing of the file system management information onto

the second file system management area is started, onto the first procedure storage area, and records information indicating that writing of the content data management information onto the first content data management area is started as well as information indicating that writing of the content data management information onto the second content data management area is started, onto the second procedure storage area (Fig. 6; col.11, lines 17-20; col. 12, line 20 – col. 13, line 6; col. 14, lines 25-49).

Regarding claim **10**, Yamashita discloses all the limitations as previously discussed with respect to claim 9 including that the control means reproduces the file system management information from either one of the first and second file system management areas, based on the recording procedure information stored in the first procedure storage area, and reproduces the content data management information from either one of the first and second content data management areas, based on the recording procedure information stored in the second procedure management area (Fig. 7; col. 13, lines 11-42).

Regarding claims **11-16**, these are method claims corresponding to the apparatus claims 3-8. Therefore, claims 11-16 are analyzed and rejected as previously discussed with respect to claims 3-8.

Regarding claims **17** and **18**, these are method claims corresponding to the apparatus claims 9 and 10. Therefore, claims 17 and 18 are analyzed and rejected as previously discussed with respect to claims 9 and 10.

Regarding claims **19** and **20**, these are disc-like recording medium claims corresponding to the apparatus claims 3 and 9. Therefore, claims 19 and 20 are analyzed and rejected as previously discussed with respect to claims 3 and 9. Furthermore, Yamashita discloses a disk-like recording medium (102) (col. 7, lines 9-13).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
June 12, 2006



THAI TRAN
PRIMARY EXAMINER